

Serial No. 10/053,801

Page 9 of 14

**REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed October 6, 2005. In the Office Action, the Examiner notes that claims 1-36 are pending and rejected.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Therefore, Applicants believe that this application is now in condition for allowance.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

**REJECTIONS****35 U.S.C. §102****Claim 18**

The Examiner has rejected claim 18 under 35 U.S.C. §102(e) as being anticipated by Bellinger (U.S. 2002/0169858, hereinafter "Bellinger"). Applicants respectfully traverse the rejection.

Applicants submit that they conceived and reduced their invention to practice, as presently claimed, prior to the filing date of Bellinger. In support of this submission, Applicants enclose an executed declaration under 37 CFR 1.131, which declares a conception date for the invention claimed in the above-identified patent application to be on or before May 10, 2001, and that due diligence was exercised toward reducing the invention to practice. In view of this declaration, the Bellinger application is not prior art to Applicants' invention.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

Serial No. 10/053,801  
Page 10 of 14

### **35 U.S.C. §103**

#### **Claims 1-2, 5-17, 19-20, 25-30, 33-36**

The Examiner has rejected claims 1-2, 5-17, 29-30, 25-30, and 33-36 under 35 U.S.C. §103(a) as being unpatentable over Bellinger in view of Roch (U.S. 2005/0088977, hereinafter "Roch"). Applicants respectfully traverse the rejection.

Applicants submit that they conceived and reduced their invention to practice, as presently claimed, prior to the filing date of Bellinger. In support of this submission, Applicants enclose an executed declaration under 37 CFR 1.131, which declares a conception date for the invention claimed in the above-identified patent application to be on or before May 10, 2001, and that due diligence was exercised toward reducing the invention to practice. In view of this declaration, the Bellinger application is not prior art to Applicants' invention. Furthermore, Roch fails to teach or suggest Applicants' invention of at least claim 1, as a whole.

In general, Roch teaches dynamic treatment of quality of service (QOS) associated with traffic transported within a secure Virtual Private Network (VPN) tunnel. In particular, Roch teaches attaching a QOS marker to data traffic at an ingress end of a VPN tunnel, and propagation of QOS information through the VPN tunnel to a VPN gateway at the egress side of the VPN tunnel. The QOS information propagated to the VPN gateway at the egress side of the VPN tunnel is then used for egress processing of the tunnel traffic. As taught in Roch, re-establishment of a VPN tunnel is not required in order to change the QOS treatment of VPN tunnel traffic. As such, Roch merely teaches management of QOS treatment of data traffic within a secure VPN tunnel. Roch, however, fails to teach or suggest Applicants' invention of at least claim 1, as a whole. In fact, Roch fails to teach or suggest any of the limitations of Applicants' invention of at least claim 1.

As such, Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, independent claims 18, 25, and 35 include limitations similar to the

Serial No. 10/053,801

Page 11 of 14

limitations of claim 1. As such, for at least the same reasons as discussed with respect to independent claim 1, claims 18, 25, and 35 are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

As such, Applicants submit that independent claims 1, 18, 25, and 35 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 2, 5-17, 19-20, 26-30, 33-34 and 36 depend directly or indirectly from independent claims 1, 18, 25, and 35 and recite additional limitations thereof. Accordingly, for at least the same reasons as discussed above, Applicants submit that these dependent claims are also non-obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **Claims 3-4**

The Examiner has rejected claims 3-4 under 35 U.S.C. §103(a) as being unpatentable over Bellinger and Roch as applied to claim 1, and further in view of Field (U.S. Patent 6,778,529, hereinafter "Field"). Applicants respectfully traverse the rejection.

As discussed above, Bellinger is not prior art to Applicants' invention, and Roch fails to teach or suggest any of the limitation of Applicants' invention of at least claim 1. Furthermore, Field fails to bridge the substantial gap between Roch and Applicants' invention.

In general, Field teaches a synchronous switch having a switch interface, a switch controller, and a switch memory. As taught in Field, the switch interface is operable to terminate a bus, the switch controller is operable to determine a type of each received traffic cell, and the switch memory is operable to receive the traffic cell from the switch interface to store the traffic cell at a memory address. (Field, Abstract)

Field, however, fails to teach or suggest any of the limitations of Applicants' invention of at least claim 1. In fact, Field is completely devoid of any teaching or suggestion of any VPN whatsoever, much less IP services

Serial No. 10/053,801  
Page 12 of 14

aggregation switches or a dynamic virtual private network (VPN) manager, or any other limitations of Applicants' invention of at least claim 1.

As such, Applicants submit that Roch and Field, alone or in combination, fail to teach or suggest Applicants' invention of claim 1. Furthermore, claims 3-4 depend directly from independent claim 1 and recite additional limitations thereof. Therefore, for at least the same reasons as discussed above with respect to the Examiner's rejection of independent claim 1, dependent claims 3-4 are non-obvious and patentable over Roch and Field under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**Claims 21-24, 31-32**

The Examiner has rejected claims 21-24 and 31-32 under 35 U.S.C. §103(a) as being unpatentable over Bellinger in view of Forslow (U.S. 2005/0088977, hereinafter "Forslow"). Applicants respectfully traverse the rejection.

As discussed above, Bellinger is not prior art to Applicants' invention. Furthermore, Forslow fails to teach or suggest Applicants' invention, as a whole.

In general, Forslow teaches a network-based mobile workgroup system. As taught in Forslow, the network-based mobile workgroup system enables a mobile user to select server resources. (Forslow, Abstract). In particular, as taught in Forslow, the network-based mobile workgroup system provides secure data access to mobile clients. Furthermore, users within a mobile VPN may communicate using intra-domain, inter-domain, or remote-access routing. (Forslow, Pg. 4, Para. 0065, 0067).

Forslow, however, fails to teach or suggest Applicants' invention of at least claims 18 and 25, as a whole. In fact, Forslow fails to teach or suggest any of the limitations of Applicants' invention of at least claim 18. Namely, Forslow is completely devoid of any teaching or suggestion of an enhanced application portal (EAP), a policy server, or a directory server, as taught in Applicants' invention of at least claim 18. Similarly, Forslow is completely devoid of any teaching or suggestion of the limitations of Applicants' claim 25.

Serial No. 10/053,801  
Page 13 of 14

As such, Applicants submit that independent claims 18 and 25 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 21-24 and 31-32 depend directly or indirectly from independent claims 18 and 25 and recite additional limitations thereof. Accordingly, at least for the same reasons as discussed above, Applicants submit that these dependent claims are also non-obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **SECONDARY REFERENCES**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

Serial No. 10/053,801

Page 14 of 14

**CONCLUSION**

Thus, Applicants submit that all of the claims presently in the application, are patentable under the provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

1/31/06

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